



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Meeting Date: August 3, 2015

Reference Name	2512 Vesson Avenue (A1500005)			Review Jurisdiction	City
Applicant	Jonathan Dayan				
Proposed Future Land Use Map Amendment	From: Low-Medium Density Residential (4-8 DU/Ac.) To: Medium Density Residential (6-12 DU Ac.)				
Site Characteristics	Adopted Tier:	Suburban	Proposed Tier:		Urban
	Present Use:	Multi-Family and Single-Family Residential			
	Size of Future Land Use Amendment:	0.65 acres			
Location	2506, 2508, and 2512 Vesson Avenue, west of Anderson Street				
Overlay District(s)	None				
PIN(s)	0811-16-92-3780; 0811-16-92-4752; 0811-16-96-5702				
Recommendation	Staff	Approval, based on conditions warranting an amendment to the Future Land Use Map and the proposed land use pattern meeting the four criteria for plan amendments.			
	Planning Commission	Approval, May 12, 2015, 11-0, based on information provided in the staff report, the justification, information heard at the public hearing, and meeting the criteria for plan amendments.			

A. Summary

The applicant, Jonathan Dayan, proposes a change to the Future Land Use Map from Low-Medium Density Residential (4-8 DU/Ac.) to Medium Density Residential (6-12 DU Ac.), with a development tier change from Suburban to Urban. The zoning map change associated with this plan amendment is case Z1500012. The Zoning case requests a change from residential Suburban 10 (RS-10) to Residential Urban - 5(2) (RU-5(2)).

B. Site History

There have been no recent development applications on this site.

C. Existing Site Characteristics

The proposed changes to the Future Land Use Map affect three parcels, 2512 Vesson Avenue, currently vacant but formerly the site of two duplexes, and two adjacent parcels, each occupied by a single-family residence.

D. Applicant's Plan Amendment Justification

According to the applicant, the proposed future land use designation would be more consistent with surrounding land uses than the current designation (See Attachment 4). Lakewood Elementary School is adjacent to the western boundary of 2512 Vesson Avenue, land to the north is vacant, multi-family housing lies to the east, and to the south is a mixture of single-family and multi-family housing. The applicant further states that the non-conforming duplexes formerly located at 2512 Vesson Avenue presented a health risk due to asbestos contamination.

The applicant states that he wishes to replace the duplexes formerly located at 2512 Vesson Avenue with a new duplex. However, the current zoning precludes construction of a new duplex, as that would create a nonconforming use. Therefore, the applicant has requested a Zoning Map change to RU-5(2) for the property at 2512 Vesson Avenue. A change to RU-5(2) would necessitate a revision of Development Tier from Suburban to Urban. Paragraph 3.4.8 of the *Unified Development Ordinance* requires that, where a Zoning Map change involves modification of the Development Tiers established in the *Comprehensive Plan*, the site must be contiguous with the proposed Tier. In order to accommodate this requirement, the applicant further requests that the two parcels adjacent to and east of 2512 Vesson Avenue also be transferred to the Urban Tier (See Attachment 1).

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and/or designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject site is of adequate shape and size to accommodate the proposed change.

1. Consistency with Adopted Plans and Policies

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the proposed Plan Amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

Table 1: Relevant <i>Comprehensive Plan</i> Objectives and Policies
Policy 2.2.3a. Urban Tier Development Focus. Ensure that new development enhances the street level experience by requiring that development within the Urban Tier have an urban form with small lot sizes and proximity of uses.
Policy 2.3.4a. Infill Development Standards. Through the Unified Development Ordinance, encourage and promote compatible residential and nonresidential infill on vacant or under-utilized property within developed portions of the community to reinforce the existing character. Include provisions for contextual design of both residential and nonresidential infill projects in the Urban and Compact Neighborhood Tiers. Encourage adaptive reuse of existing buildings in these tiers as well. (see Policy 4.3.2a, Infill Development Standards)

This proposal would allow replacement of existing, non-conforming duplexes with a new duplex that conforms to surrounding uses.

Staff Conclusion: The proposed plan amendment is consistent with adopted plans and policies, thus meeting criterion 3.4.7A.

2. Compatibility with Existing Development and Future Land Use Patterns

The site is currently within the Suburban Tier, and is comprised of three parcels located at 2506, 2508, and 2512 Vesson Avenue, west of Anderson Street. The site is currently occupied by duplexes and single-family residential uses, and is adjacent to the Urban Tier, which surrounds the property on three sides. To the west of the site is an existing elementary school and to the east and south is a neighborhood comprised of multi-family and single-family residences.

Existing Uses: The site of the proposed plan amendment is bordered on the north by a vacant land, on the west by an elementary school, and on the east and south by multi-family and single-family residential uses.

Future Land Use Designations: Land to the north, south and east of the proposed plan amendment is designated Medium Density Residential (6-12 DU/Ac.). Land to the west is designated Low-Medium Density Residential (4-8 DU/Ac.).

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Vacant	Medium Density Residential (6-12 DU/Ac.) and Low-Medium Density Residential (4-8 DU/Ac.)
East	Multi-Family Residential	Medium Density Residential (6-12 DU/Ac.)
South	Single-Family and Multi-Family Residential	Medium Density Residential (6-12 DU/Ac.)
West	Institutional (School)	Low-Medium Density Residential (4-8 DU/Ac.)

Analysis: Amending the future land use designation of the site, from Low-Medium Density Residential (4-8 DU/Ac.) to Medium Density Residential (6-12 DU/Ac.), and the development tier from Suburban to Urban would be compatible with adjacent residential uses and would be consistent with the urban character of the neighborhood.

Staff Conclusion: The proposed plan amendment is compatible with the existing land use pattern and designated future land uses in the area and, therefore, meets criterion 3.4.7B.

3. Adverse Impacts

Infrastructure:

A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a., Infrastructure Capacity*, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas.

Analysis: The site could accommodate the proposed use and would have negligible effect on existing infrastructure, such as road, water, and sewer capacity, is sufficient to accommodate potential impacts. Further detail is provided in the zoning map change report.

Future Demand for Land Uses:

Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the

future. The site could accommodate the proposed use and would have negligible effect on projected demand for residential land.

Staff Conclusion: The proposed amendment would have negligible effect on projected demand for residential or commercial land and, therefore, meets criterion 3.4.7C.

4. Adequate Shape and Size

The area requested for amendment is approximately 0.65 acres in total, and is of sufficient shape and size for residential development in the Urban Tier at the density requested.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Fayetteville Street Planning Group
- Inter-Neighborhood Council
- Friends of Durham
- Unity in the Community for Progress

G. Staff Contacts

Laura D. Woods, Senior Planner, 919-560-4137 ext. 28248, Laura.Woods@durhamnc.gov

H. Attachments

Attachment 1, Proposed Change
Attachment 2, Area Context Map
Attachment 3, Aerial Map
Attachment 4, Applicant's Justification Statement
Attachment 5, Planning Commission Comments
Attachment 6, Resolution